

OPEN MEETING ITEM

ORIGINAL



0000035763

**COMMISSIONERS**  
JEFF HATCH-MILLER - Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES



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BRIAN C. McNEIL  
Executive Director

22

ARIZONA CORPORATION COMMISSION

2005 DEC 16 A 9:50

DATE: December 16, 2005

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKET NO: T-02891A-05-0807

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Amy Bjelland. The recommendation has been filed in the form of an Order on:

PAUL FOGGE dba WOD SYSTEMS

(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

DECEMBER 27, 2005

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

JANUARY 24 AND 25, 2006

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 PAUL FOGGE dba WOD SYSTEMS FOR THE  
10 CANCELLATION OF THE CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY TO PROVIDE  
12 CUSTOMER-OWNED PAY TELEPHONE  
13 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-02891A-05-0807

DECISION NO. \_\_\_\_\_

ORDER

14 Open Meeting  
15 January 24 and 25, 2005  
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the  
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 FINDINGS OF FACT

21 1. Paul Fogge dba WOD Systems ("Applicant") has a Certificate of Convenience and  
22 Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of  
23 Arizona pursuant to Decision No. 59194 (August 8, 1995).

24 2. On November 2, 2005, Applicant filed with the Commission an application for  
25 cancellation of its Certificate. Applicant indicated that it no longer provides COPT service in the  
26 State of Arizona and is not requesting authority to sell its COPT assets.

27 3. On December 8, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff  
28 Report, recommending approval of the application to cancel Applicant's Certificate without a  
hearing.

CONCLUSIONS OF LAW

1 Applicant is a public service corporation within the meaning of Article XV of the  
2 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

3 The Commission has jurisdiction over Applicant and the subject matter of the

1 application.

2 3. The cancellation of Applicant's Certificate is in the public interest.

3 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
4 Certificates without a hearing.

5 5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be  
6 adopted.

7 **ORDER**

8 IT IS THEREFORE ORDERED that the application of Paul Fogge dba WOD Systems for the  
9 cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay  
10 telephone service shall be, and is hereby, approved.

11 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13  
14 CHAIRMAN

COMMISSIONER

15  
16 COMMISSIONER

COMMISSIONER

COMMISSIONER

17  
18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
19 Director of the Arizona Corporation Commission, have  
20 hereunto set my hand and caused the official seal of the  
Commission to be affixed at the Capitol, in the City of Phoenix,  
this \_\_\_\_ day of \_\_\_\_, 2006.

21  
22 BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

23  
24 DISSENT \_\_\_\_\_

25  
26 DISSENT \_\_\_\_\_

27 AB:mj

1 SERVICE LIST FOR: PAUL FOGGE dba WOD SYSTEMS

2 DOCKET NO.: T-02891A-05-0807

3 Paul Fogge  
4 5234 East Roundup Street  
5 Apache Junction, AZ 85219

6 Christopher Kempley, Chief Counsel  
7 Legal Division

8 ARIZONA CORPORATION COMMISSION  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007

11 Ernest G. Johnson, Director  
12 Utilities Division

13 ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007